

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 22, 2008 has been entered.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Laurence R. Letson on August 6, 2008.

The application has been amended as follows:

In claim 1, in line 1, after "A device" deleted "for tensioning a flexible member" and replaced with --tensioning a flexible fencing member comprising a web--.

In claim 1, in line 2, after "structure" inserted -- , the device--.

In claim 1, in line 17, after "to said axis" inserted --of said pawl--.

In claim 1, in line 22, after "outwardly from" inserted --and along--.

In claim 1, in line 22, after "enlarged in" deleted "width near" and replaced with
--cross-sectional width at--.

In claim 1, in line 23, after "elongated opening" deleted "to accept a thickened
region" and replaced with --to define enlarged opening portions to accept
a thickened web portion--.

In claim 1, in line 24, after "said flexible" inserted --fencing--.

In claim 1, in line 25, after "said enlarged" deleted "openings" and replaced with
--opening portions--.

In claim 1, in line 25, after "other of said" deleted "openings" and replaced with
--opening portions--.

In claim 1, in line 26, before "outer surface" deleted "said" and replaced with
--the--.

In claim 1, in line 26, after "a plurality of" deleted "channels each" and replaced
with --recessed channels, each--.

In claim 1, in line 27, after "into said" inserted --outer--.

In claim 1, in lines 27-28, after "said tensioner" deleted " , intersecting said
enlarged openings" and replaced with --and correspondingly intersecting
one of said enlarged opening portions--.

In claim 1, in line 29, after "whereby" deleted "a" and replaced with --said--.

In claim 1, in line 30, after "and" deleted "thickened portions" and replaced with
--said thickened web portions--.

In claim 1, in line 31, after "said enlarged" deleted "openings" and replaced with

--opening portions--.

In claim 1, in line 33, after "formed in said" inserted --outer--.

In claim 2, in line 1, after "The device" deleted "for tensioning a flexible member relative to said" and replaced with --tensioning a flexible fencing member relative to a--.

In claim 2, in line 2, after "a position wherein said pawl" deleted "engaging end" and replaced with --plane surface--.

In claim 3, in line 1, after "The device" deleted "for tensioning a flexible member relative to said" and replaced with --tensioning a flexible fencing member relative to a--.

In claim 7, in line 1, after "The device" deleted "for tensioning a flexible member" and replaced with --tensioning a flexible fencing member--.

In claim 8, in line 1, after "The device" deleted "for tensioning a flexible member" and replaced with --tensioning a flexible fencing member--.

In claim 9, in line 1, after "The device" deleted "for tensioning a flexible member" and replaced with --tensioning a flexible fencing member--.

3. The following is an examiner's statement of reasons for allowance:

As to claim 1, House et al. (US 6648,305) in view of Reiff (US 6,848,678) discloses the claimed device with the exception of the tensioner having an elongated opening being enlarged in cross-sectional width at the two ends and middle of the elongated opening to define enlarged opening portions to accept a thickened web

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portion at the edges of and the middle of the web of the flexible fencing member, when inserted into the opening; each of the enlarged opening portions arranged parallel to the other of the opening portions; the outer surface of the tensioner further comprising a plurality of recessed channels, each of the channels formed into the outer surface and circumscribing the tensioner and correspondingly intersecting one of the enlarged opening portions; whereby the flexible fencing member may be inserted into the opening in the tensioner and the thickened web portions of the flexible fencing member proximate each edge and the middle of the flexible fencing member are resident within the enlarged opening portions, thereby ensuring surface-to-surface engagement between the flexible fencing member and the opening in the tensioner and the plurality of channels formed in the outer surface of the tensioner, insuring a large engagement area with the fencing member when the flexible fencing member is engaged within and wrapped around the tensioner.

There is no teaching or suggestion, absent the applicant's own disclosure, for one having ordinary skill in the art at the time the invention was made to modify the device disclosed by House et al. in view of Reiff to have the above mentioned elemental features. Furthermore, such modifications would yield unexpected and unpredictable results.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL P. FERGUSON whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (6:30am-3:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MPF
08/06/08

/Michael P. Ferguson/
Primary Examiner, Art Unit 3679